

RESOLUTION NO. 09-146

RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA APPROVING THE FINAL DECISION OF THE PLANNING AND ZONING BOARD, DECISION NO. 09-20, THAT GRANTED AN ADJUSTMENT ON CONDITION THAT THE TERRACE REMAIN OPEN AND ABUNDANT LANDSCAPING BE PROVIDED ON THE SIDE DIRECTLY ADJACENT AND RUNNING PARALLEL TO THE NEIGHBORING PROPERTY TO SERVE AS A BUFFER FOR NOISE AND PROVIDE PRIVACY BY SCREENING THE VIEW BETWEEN PROPERTIES, ON PROPERTY LOCATED AT **246 WEST 36 STREET, HIALEAH, FLORIDA**; AND PROVIDING FOR AN EFFECTIVE DATE.

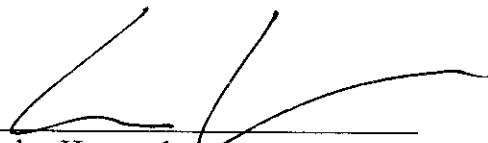
WHEREAS, the Planning and Zoning Board, at its regular meeting of August 26, 2009, entered a final decision, Decision No. 09-20, subject to review by the Hialeah City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The Mayor and the City Council of the City of Hialeah, Florida hereby approve Final Decision 09-20 granting an adjustment of 2.5 feet, as to the east side setback, where 6 feet are required, for an open terrace built without the benefit of a building permit on condition that the terrace remain open and abundant landscaping be provided on the side directly adjacent and running parallel to the neighboring property to serve as a buffer for noise and provide privacy by screening the view between properties. The property located at 246 West 36 Street, Hialeah, Florida, zoned R-1 (One Family District).

Section 2: This resolution shall become effective upon signature of the Mayor of the City of Hialeah, Florida or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED AND ADOPTED this 22nd day of September, 2009.



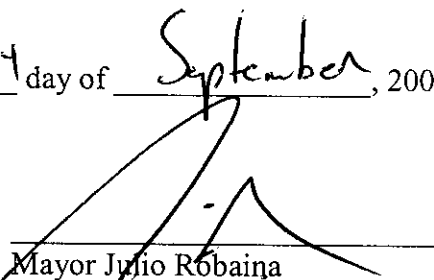
Carlos Hernandez
Council President

Attest:

Approved on this 24 day of September, 2009.




Rafael E. Granado, City Clerk



Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

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Resolution was adopted by a 6-0 vote with Councilmembers, Caragol, Casals-Muñoz, Cue, Gonzalez, Hernandez, Yedra voting "Yes" and Councilmember Garcia-Martinez absent.